

Rejection under 35 U.S.C. 102

Claims 1-10 and 12 stand rejected under 35 U.S.C. 102(e) as being anticipated by *DeLine et al. (US 6,278,377)*.

Claim 1 has been amended to more clearly define that the camera in the housing takes images through the reflective layer of the mirror glass.

The cited prior art reference *U.S. 6,278,377 (DeLine et al.)* has nothing in common with the claimed subject matter of the present invention. The only similarity is that this prior art document shows the following individual elements: an interior rearview mirror with a mirror housing 16b and a mirror glass 16d as well as a camera. These features have already been discussed in the introductory portion of the instant specification so that this prior art document does not show anything in addition to that which has been disclosed as background information for the present invention.

The present invention differs from the cited prior art in that the camera 10 is arranged within the mirror housing and behind the mirror glass 1, 12 such that it can record images through the mirror glass and the reflective layer of the mirror glass. Such a configuration of the monitoring device is not disclosed in the cited prior art reference.

The examiner states on page 2, bottom, and page 3, top, of the office action that the prior art reference shows a camera which is arranged behind the reflective mirror layer of the mirror glass 1, 2 and that the camera is arranged within the mirror housing. The examiner refers to col. 10, lines 6ff, as disclosing that a camera and/or display is arranged within the mirror housing. Applicant respectfully disagrees. In column 10, lines 6ff, it is only stated that a camera is present with which an area can be viewed which cannot be viewed by means of the interior rearview mirror. This does not provide any suggestion or

disclosure that the camera is arranged **within the mirror housing behind the reflective layer 5 of the mirror glass**. Instead, the camera is arranged outside the mirror housing which is evident from the fact that the referenced text portion of the description refers not to the interior mirror but to an **interior rearview mirror system** which is comprised of the rearview mirror 16 and the module 10. p. 101

The only components arranged within the mirror housing 16b and behind the reflector 16d are a compass 62, circuitry 68, and a light 60 (see Fig. 7). Moreover, Fig. 7 is the only illustrated embodiment showing a camera. The camera 56 is arranged within the accessory module 10' (see col. 15, lines 46ff). The microphone module 10' is provided with its own microphone housing 20 in which the microphone 18 is arranged. As illustrated in the drawing of this prior art reference, it is positioned at a spacing from the interior mirror 16 at the upper edge of the windshield 12. In addition to the microphone 18, this module 10' (Fig. 7) may comprises (col. 15, lines 46ff) a display 72, a loudspeaker 42, a GPS antenna 50 as well as a movement sensor 52, a rain sensor 54 and a video camera 56. It is expressly stated and clearly illustrated that the video camera 56 is not positioned in the mirror housing 16b but in the microphone module 10'. Accordingly, this prior art reference teaches to arrange the video camera outside of the mirror housing at a spacing thereto, for example, within the cover of a microphone module 10'. The cited prior art reference thus does not disclose a camera arranged behind the mirror glass so that images are taken through the reflective layer. Claim 1 is not anticipated or obvious in view of *DeLine et al.*

Rejection under 35 U.S.C. 103

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *DeLine et al.* (US 6,278,366) and *DeVries, Jr. et al.* (US 6,158,655).

The prior art reference U.S. 6,158,655 (De Vries et al.) has been cited only in regard to the features of claim 2. This secondary reference does not show a camera arranged within the mirror housing behind a reflective mirror layer. Claim 2 is believed to be allowable as a dependent claim of claim 1.

Claims 11, 17, 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *DeLine et al.* (US 6,278,366) and *Roberts* (US 5,355,284).

In regard to claims 17 and 18, the examiner refers to U.S. 5,355,284 (Roberts). A residual light (low light) intensifier is not disclosed in the Roberts patent. This prior art document only shows that behind the mirror glass 110 of the rearview mirror 10 illuminating means 70, 72, 91 as well as a corresponding circuit are arranged in order to control and adjust the illumination provided by the light source. Thus when low light conditions are present, the light source is adjusted to intensify the light output, i.e., more light is emitted. This has nothing in common with a residual light intensifier. A light intensifier is a device which **amplifies the existing light**, not a device which adjust a light source to provide **more light**. Please see enclosed print-outs of Internet-access brochures of *Nightline, Inc.* explaining the technology of light (or image) intensifiers and of *Litton Poly-Scientific* presenting the NightVision CCTV light intensifiers as well as the product line of *Wasserman Enterprises - Distinctive Military Equipment*. This technical background info clearly shows illustrates that the light intensifier technology simply **amplifies** what little light is available, for example, at night. Claims 17 and 18 are therefore not obvious in view of the cited prior art references and should be allowable.

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *DeLine et al.* This claim is believed to be allowable as a dependent claim of claim 1.

Claims 14-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *DeLine et al.* (US 6,278,366) and *Bagué* (US 6,246,933).

U.S. 6,246,933 (*Bagué*) is cited with respect to claims 14-16. This prior art reference shows a camera 13 which in contrast to the present invention records images forwardly in the travel direction, i.e., through the windshield (col. 15, lines 51-53). This camera is not arranged inside the rearview mirror. In the present invention, the camera 10 records images rearwardly in the travel direction through the reflective layer of mirror glass, and this feature is not obvious in view of the combination of the two prior art references. Also, since these two references show cameras with different functions, it is not obvious to combine the teachings of the two prior art references to *DeLine et al.* and *Bagué*.

Moreover, the features of claims 15 and 16 are not disclosed in of the cited prior art reference *Bagué*. *Bagué* shows only the transmission of video signals of the video camera to the video box by means of optical fiber cable. According to claims 15 and 16 of the present invention, the fiber cable 19 for image transmission is provided with an optical head 20 and is connected with the optical head (20) either to the backside of the mirror glass or on the rim 18 of the mirror housing 16. Accordingly, the subject matter of claim 15 and 16 is not obvious, and the claims 15 and 16 should be allowable.

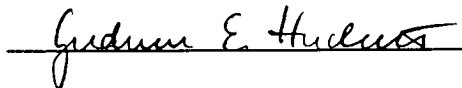
CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on August 13, 2002,



Gudrun E. Hockett, Ph.D.
Registration No. 35,747

Gudrun E. Hockett, Patent Agent
P.O. Box. 3187
Albuquerque, NM 87190-3187

Telephone: (505) 266-2138
Facsimile: (505) 266-2138

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Encl.: - amended claim 1 (clean copy and marked-up version; 2 sheets);
- brochure "Night Vision" (4 sheets);
- brochure "Wasserman Enterprises" (2 sheets);
- brochure "Litton Poly-Scientific" (2 sheets)

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MARKED-UP VERSION OF AMENDED CLAIM 1

1. (Amended) A monitoring device for vehicles, said monitoring device
comprising:
- a housing (17);
- at least one mirror glass (1, 12) arranged in said housing (17) so as to
have a front side facing an observer;
- said at least one mirror glass (1, 12) comprising a reflective layer (5) being
reflective in the visible spectral range of light;
- at least one camera (10) arranged behind said reflective layer (5) in a
viewing direction viewed from said front side, wherein said at least one camera (10)
takes images through the reflective layer (5).

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